

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE				ATTORNEYS			
<p>Clyde Glover, Carl Barnett, and Leo B. Howard</p> <p>vs</p> <p>Educators Preferred Holding Company, Epic Finance Company, Epic Enterprises, Inc., Jeffy Holbrook and W.R. Yeubanks</p>				<p>For plaintiff:</p> <p>Richard T. Sonberg <i>583 2131</i> 900 Home Fed. Bldg., 404 So. Boston Tulsa, Oklahoma 74103</p>			
				<p><i>584-4222 withdrawn</i></p> <p>For defendant: <i>Ben Abney</i> George Forbes Jerald M. Sehuman / 2601 Fourth National Bank Building Tulsa, Oklahoma 74119</p> <p>David W. Jackson 4th Natl. Bldg. Tulsa</p>			
STATISTICAL RECORD	COSTS			DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <i>2-1-71</i>	Clerk			1-8-71	Sonberg	15 00	
				1-14-71	CD 32		15 00
J.S. 6 mailed <i>7-1-73</i>	Marshal						
Basis of Action: Injunction.	Docket fee						
	Witness fees						
Action arose at:	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-8-71	Complaint filed. Summons issued. h	
1-29-71	Returns on service of summons, filed: served Jerry Holbrook, an individual, Jerry Holbrook as agent for Epic Finance Co., and Jerry Holbrook, agent of Educators Preferred Holding Co, at Tulsa, Ok. 1-14-71 (USM \$9.96); Gerald M. Schuman, agent for Epic Enterprises Co., at Tulsa, 1-18-71 (USM \$3.00) W. R. Yeubanks, Tulsa, Ok. 1-27-71, (USM \$5.88)g	
2-3-71	Defts' motion for extension of time to file responsive pleading, filed. m	
2-3-71	Order filed defendants Each granted 30 days from 2-5-71 to file responsive pleading. (AEB-J)h	
2-5-71	Notice to take deposition of Jerry Holbrook and W. R. Yeubanks, filed by the Plaintiff. Filed. r	
2-5-71	Request by Plaintiffs to Defendants for Production of Documents and Things, filed. r	
3-3-71	Motion For Extension of time to file Responsive Pleading, Filed. js	
3-15-71	Order, filed, (15 days extension from 3-7-71 to responsive) AEB-J. js	
3-18-71	Answer, filed. g	
5-4-71	Plaintiff's first set of interrogatories to defendant, filed. b	
5-12-71	Notice to take deposition of Ruby Daves, filed. m	
5-18-71	Subpoena, returned & filed: served Ruby Davis at Tulsa, Ok. 5-17-71. (USM \$7.04)g	
6-2-71	Deposition of W.R. Yeubanks, on behalf of plaintiffs taken on 4-14-71 before Frank L. Peterson, CSR filed. (\$86.00 pd by plaintiff) h	
6-2-71	Deposition of Clyde Glover on behalf of the def. taken on 4-14-71 before Frank L. Peterson CSR filed. (\$103.00 pd by def.) h	
6-2-71	Deposition of Carl Barnett on behalf of def. taken on 4-14-71 before Frank L. Peterson, CSR, filed. (\$15.00 pd by def.)h	
6-7-71	Defendants' motion for summary judgment, filed. g (brief within mot.)	
6-7-71	Plaintiff directed to file responsive brief within 10 days to motion for summary judgment. (AEB-J)g	
6-7-71	Answers to first set of interrogatories to defts., filed. m	
6-15-71	Motion for extension of time to file brief, filed. ds	
6-17-71	Order granting extension of time for Pltfs to file brief, filed. (AEB-J)r	
6-22-71	Deposition of Ruby Davis, filed. Fees \$50.00, pd. by defts. v	
6-22-71	Deposition of Jerry Holbrook, filed. Fee \$145.00, pd. by pltfs. v	
6-25-71	Brief of plaintiffs in reply to defendants' motion for summary judgment, filed. v	
6-30-71	Defendants' Response to Brief on Motion for S/J filed. h	
8-4-71	Order that Magistrate hear Defendants's motion for summary judgment, (AEB-J) v	
8-4-71	Hearing on Defendants' motion for summary judgement held. Richard T. Sonberg represented Pltf. George Forbes represented Deft. Order by Court that Dft.'s motion for summary judgment be denied. Deft's Attorneys asked it to be set on the earliest pre-trial docket. (MLB-Mag)v	
8-5-71	Pltf's Second set of Interrogatories to Defts. Filed. r	
8-30-71	Order Denying Motion for Summary Judgment, filed. (AEB-J) v on filed copies	
9-7-71	Answers to Second Set of Interrogatories to Defts., filed. r to atty	
9-9-71	Plaintiffs' Third set of Interrogatories to Defendants, filed. v	
10-6-71	Request for hearing upon Pltfs' claim for class action filed by the Pltf. Filed. r	
10-6-71	Memorandum Brief by Pltf., Filed. r	
10-8-6	Deft's Answers to Third Set of Interrogatories to Deft., filed. r	

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-14-71	Ordered that U.S. Magistrate conduct the hearing on Plaintiff's Request for Hearing upon Plaintiff's Claim for Class Action.(AEB-J)v	
12-14-71	Case called for hearing on above mentioned motion of the Plaintiff. Counsel of the Pltf. and the Deft. were present. It is recommended that Plaintiff's Request for Hearing upon Plaintiff's Claim for Class Action will be ruled on Summarily by the U.S. Magistrate. Deft. were given 9 days to respond to Brief of the Plaintiffs, which was filed in open Court. Then the Pltf. has 5 days to respond to Deft. response. (MLB-U.S.Mag.)(millie ballard-csr)v	
12-23-71	Brief on Defendants in Opposition to Motion for Class Action, filed.v	
12-27-71	Supplemental Brief by Plaintiffs in Support of Class Action Motion, filed. v	
1-11-72	Ordered by the Magistrate that it is his recommendation that pltf's request that action be maintained and conducted as a "class action" be granted; pltf. to prepare and submit within 5 days recommendations of the Magistrate and proper order for the Court. (MLB-Mag)hm	
2-7-72	Findings and recommendations of magistrate upon request by pltfs to convert this civil action to a class action under rule 23, filed. (MLB-Mag)hm	
2-7-72	Notice of pendency of class action, filed. (AEB-J)hm	
2-7-72	Order creating class action, filed, that recommendations of Mag. are adopted granting pltfs' request to maintain action as a class action; defts. to provide Clerk with a list of all persons coming within class including addresses within 10 days; pltfs. to furnish Clerk with sufficient copies of notice & Clerk to then mail copies of notice of pendency of class action to all persons on list submitted. (AEB-J)hm (copies mailed)	
2-22-72	Affidavit of mailing of notice of pendency of class action, filed. hm	
2-22-72	Affidavit of mailing of notice of pendency of class action to additional parties, filed. rm	
3-3-72	Parties directed to hold pre-trial prior to 4-5-72 and file pre-trial order not later than 4-14-72. (AEB-J)hm	
3-14-72	Report of Clerk on requests for exclusion from class action, filed. g	
3-22-72	Order Excluding parties from class action filed.(AEB-J)h(copies mailed)	
4-20-72	Unilateral filing of proposed pre-trial order by pltfs., filed. rm	
<u>4-27-72</u>	<u>Pretrial order filed. (AEB-J) ds</u> <i>Copies Mailed</i>	
11-27-72	Motion By Plaintiffs for Temporary Restraining Order and Preliminary Injunction to Prevent Holding of Meeting of Stockholders, filed. js	
12-1-72	Ordered that Magistrate conduct hearing on pltfs' motion for TRO and preliminary injunction to prevent holding of meeting of stockholders. (AEB-J)hm	
12-1-72	Hearing held on pltfs' motion for TRO & prel. inj., etc., & at the conclusion of testimony of witnesses, the F&R of Mag. were continued until 12-21-72 at 10:00 a.m. to permit parties to submit briefs; & the parties stipulated that the stockholders' meeting called for 12-2-72 at 10:00 a.m. will be adjourned to a date certain, 12-28-72 at 10:00 a.m. Pltfs. & defts. have 10 days to submit briefs & each have 5 days to respond, if desired. (MLB-Mag)hm	

P.T.
order to judge
4-24-72

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-11-72	Second suppl. brief of defs. in support of their response to pltf's. mo/for TRO and prel. inj., filed. rm	
12-12-72	Pltf's Supplemental Brief in support of appl for injunctive Relief, filed. r	
12-18-72	Reply to Pltf.s' Supplemental Brief in support of appl. for Injunctive Relief, filed. v	
12-21-72	Hearing on pltf's' motion for TRO and prel. inj. continued. Pltf. counsel not present; deft. counsel present. It is recommended that the motion for TRO & prel. inj. be denied for want of prosecution. Deft. to prepare F&R within 5 days. (MLB-Mag)hm	
12-22-72	Findings and Recommendations of Magistrate, filed. (MLB-Mag)hm	
1-3-73	Order dismissing pltf's.' motion for TRO and prel. injunction. (AEB-J)rm	
1-26-73	Ordered by the Court that this Case is set for Non-Jury Trial on 2-6-73 at 10:00 A.M. (AEB-J)v -notices mailed.	
1-31-73	Subpoenae, ret. & filed: Robt. E. Howard served at Tulsa, & Clyde Boyd, Sr. at Sand Springs, 1-30-73. (USM \$8.68)g	
2-1-73	Trial brief of pltf's., filed. rm	
2-1-73	Trial brief of defs., filed. rm	
2-6-73	Case called for jury trial and stricken. Parties present and represented. Counsel announce settlement, upon approval of Bd. of Directors; proper order to be prepared by February 23, 1973. (AEB-J)h	
2-6-73	Subpoena, ret. & filed; served Wesley McKinney and Cleta Evans, Tulsa, & Sand Sprgs., 2-5-73. (USM \$8.80)g	
4-18-73	Appl. of all parties to dismiss cause of action w/prejudice, w/brief in support thereof, filed. rm <i>Order to Judge</i>	
4-18-73	Appearance of David W. Jackson on behalf of all defs., filed.rm	
4-18-73	Order, filed, setting appl. of all parties for dismissal down for hearing on 5/30/73; parties to send all notices at their own exp. (AEB-J)rm	
4-23-73	Appl. of B. Abney to withdraw as atty for def., w/order granting same. (AEB-J)rm - copies mailed	
5-30-73	Hearing held. Parties present and represented. It is ordered by the court case dismissed; order to be prepared by parties within 3 days. (AEB-J)h	
6-5-73	Order by stipulation dismissing w/prejudice, filed and entered. (AEB-J)	